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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,672	12/18/2003	John Mese	RPS920030245US1	4147

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EXAMINER	
VERDI, KIMBLEANN C	
ART UNIT	PAPER NUMBER
2194	

NOTIFICATION DATE	DELIVERY MODE
02/22/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/741,672	MESE ET AL.	
	Examiner	Art Unit	
	KimbleAnn Verdi	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 November 2007 and 18 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to the Amendment filed on November 27, 2007. Claims 1-16 are pending in the current application. Applicants' arguments have been carefully considered, but are moot in view of the new ground(s) of rejection. Accordingly, this action has been made FINAL. All previously outstanding objections and rejections to the Applicant's disclosure and claims not contained in this Action have been respectfully withdrawn by the Examiner hereto.

Response to Amendment

1. Amendment to the drawings and specification overcomes the previous objection to the drawings and specification.

Response to Arguments

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Lines 1-2 the recitation of "...a computer system is provided" contains implied language.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 14-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With respect to claims 14-16, a "computer readable medium containing program instructions" is being recited; however, it appears that a computer readable medium containing program instructions would reasonably be interpreted by one of ordinary skill in the art as software, per se. A computer readable medium containing program instructions as claimed does not set forth a means to realize the software, per se such as being stored in a memory or computer storage media. As such, it is believed that a computer readable medium containing program instructions of claims 14-16 is reasonably interpreted as functional descriptive material, per se.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 10 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 10 and 16 the recitation of "generating automated script information, for recording" is not disclosed in the specification. Thorough review of the specification by the Examiner did not result in finding of the subject matter properly disclosed in the specification.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-9 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Application Publication 2005/0060719 A1 to Gray et al. (hereinafter Gray) in view of United States Patent 6,046,741 to Hochmuth.

10. As to claim 1, Gray teaches the invention substantially as claimed including a system for creating and accessing an object directly from a desktop of a computer system, the computer system including an application (Application 205, Fig. 2) and an operating system (Desktop 201, Fig. 2);

the system comprising:

a plurality of application programming interfaces (APIs) calls in the operating system (paragraph [0037]), the plurality of API calls being utilized to obtain and set state information related to the application (paragraphs [0037]-[0038]); and

a record/playback application on the computer system (User Interface 207, Fig. 2), the record/playback application being capable of directly generating (paragraphs [0043]-[0044]) and reading automated script (paragraph [0046]) based upon the API calls to record actions that represent the operations of the applications (paragraphs [0038] and [0043]-[0046]).

Gray does not explicitly disclose to replay actions that represent operations of the application by invoking the object directly from the desktop.

However Hochmuth teaches to replay actions that represent operations of the application by invoking the object directly from the desktop (col. 1, lines 64-67).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the event file of Gray with the teachings of shortcut script from Hochmuth because this feature would have provided a mechanism which places an icon on the computer desktop that, when chosen by the user, will execute those commands, with their parameters of the shortcut script (col. 1, lines 62-67 of Hochmuth).

11. As to claim 2, Gray teaches the system of claim 1 wherein the record/playback application comprises an Accessibility API Suite (paragraph [0023], [0037]).

12. As to claim 3, Gray as modified teaches the system of claim 1 wherein the object is any of a script file, a text file, a bundled script file, an icon, a remotely linked file, or a

linked object capable of being invoked from the desktop (col. 1, lines 62-67 and col. 2, lines 56-60 of Hochmuth).

13. As to claim 4, Gray teaches the system of claim 1 wherein the APIs are within the operating system (paragraph [0023]).

14. As to claim 5, Gray teaches the invention substantially as claimed including a method for recording an application on a computer system comprising:

directly assigning a record/playback application being capable of generating and reading automated script to the application (step 401, Fig. 4 and paragraphs [0043]-[0046]); and

recording actions which represent operations (step 407, Fig. 4).

Gray does not explicitly disclose generating automated script information which is capable of being invoked from a desktop of the computer system.

However Hochmuth teaches generating automated script information which is capable of being invoked from a desktop of the computer system (col. 1, lines 62-64).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the event file of Gray with the teachings of shortcut script from Hochmuth because this feature would have provided a mechanism which places an icon on the computer desktop that, when chosen by the user, will execute those commands, with their parameters of the shortcut script (col. 1, lines 62-67 of Hochmuth).

15. As to claim 6, Gray teaches the method of claim 5 further comprising:

utilizing API calls to obtain state information related to the application (step 407, Fig. 4); and

generating automated script based upon the API calls (step 409, Fig. 4 and paragraph [0046]).

16. As to claim 7, Gray as modified teaches the method of claim 5 which further includes the step of writing the script to a file on the computer system which is capable of being invoked from the desktop (col. 1, lines 64-67 of Hochmuth).

17. As to claim 8, Gray teaches the invention substantially as claimed including a method for playback of a recorded application capable of being invoked from the desktop of a computer system comprising:

reading automated scripted information and generated actions from a file accessible from the desktop (step 601, Fig. 6 and paragraphs [0045]-[0046]).

Gray does not explicitly disclose replaying actions that represent the operation of the application by invoking an object directly from the desktop accessing the file.

However Hochmuth teaches replaying actions that represent the operation of the application by invoking an object directly from the desktop accessing the file (col. 1, lines 62-64).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the event file of Gray with the teachings of shortcut script from Hochmuth because this feature would have provided a mechanism which places an icon on the computer desktop that, when chosen by the user, will

execute those commands, with their parameters of the shortcut script (col. 1, lines 62-67 of Hochmuth).

18. As to claim 9, Gray teaches the method of claim 8 wherein method further comprises:

utilizing API calls to set state information of the recorded application (step 407, Fig. 4); and

reading the script based upon the API calls (paragraphs [0048] and [0052]-[0053]).

19. As to claim 13, this claim is rejected for the same reasons as claim 9, see the rejection to claim 9 above.

20. As to claim 14, this claim is rejected for the same reasons as claim 5, see the rejection to claim 5 above.

21. As to claim 15, this claim is rejected for the same reasons as claim 8, see the rejection to claim 8 above.

22. Claims 10-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Application Publication 2005/0060719 A1 to Gray et al. (hereinafter Gray) in view of United States Patent 6,046,741 to Hochmuth and further in view of United States Patent 7,231,606 B2 to Miller et al. (hereinafter Miller).

23. As to claim 10, Gray teaches the invention substantially as claimed including a method for recording and performing playback of an application from a desktop of a computer system comprising:

assigning a record/playback application being capable of generating and reading automated script to the application (step 401, Fig. 4 and paragraphs [0043]-[0046]);

directly recording actions which represent operations of the application (step 407, Fig. 4); and

reading automated scripted information and generated actions from a file accessible from the desktop (paragraphs [0045]-[0046]).

Gray does not explicitly disclose generating automated script information, for recording; and

replaying actions that represent the operation of the application by invoking a link, a text file, an object or an icon, from the desktop.

However Hochmuth teaches replaying actions that represent the operation of the application by invoking a link, a text file, an object or an icon, from the desktop (col. 1, lines 64-67).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the event file of Gray with the teachings of shortcut script from Hochmuth because this feature would have provided a mechanism which places an icon on the computer desktop that, when chosen by the user, will execute those commands, with their parameters of the shortcut script (col. 1, lines 62-67 of Hochmuth).

In addition Miller teaches generating automated script information, for recording; (col. 9, lines 52-57).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have further modified the event engine of Gray as modified by Hochmuth with the teachings of eValid from Miller because this feature would have further provided a mechanism to produce a script-like recording that captures the essence of user activity for purposes of playback (col. 3, lines 1-3 of Miller).

24. As to claims 11 and 12, these claims are rejected for the same reasons as claims 6 and 7 respectively, see the rejections to claims 6 and 7 above.

25. As to claim 16, this claim is rejected for the same reasons as claim 10, see the rejection to claim 10 above.

Conclusion

26. The prior art made of record on the accompanying PTO-892 and not relied upon, is considered pertinent to applicant's disclosure.

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KimbleAnn Verdi whose telephone number is (571)270-1654. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 16, 2008
KV